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EXAMINER

FINDLEY, CHRISTOPHER G

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte ALEXANDER AUGST

Appeal 2016-006995
Application 12/725,153¹
Technology Center 2400

Before ERIC S. FRAHM, JUSTIN BUSCH, and JOYCE CRAIG,
Administrative Patent Judges.

CRAIG, *Administrative Patent Judge.*

DECISION ON APPEAL

Appellant appeals under 35 U.S.C. § 134(a) from the Examiner's Final Rejection of claims 1 and 4–15, which constitute of all of the claims pending in this application.² We have jurisdiction under 35 U.S.C. § 6(b).

We reverse.

¹ According to Appellant, the real party in interest is Bayerische Motoren Werke Aktiengesellschaft. App. Br. 1.

² Claims 2 and 3 have been canceled. App. Br. 15.

INVENTION

Appellant's application relates to a method for providing driver information in a motor vehicle. Abstract. Claim 1 is illustrative of the appealed subject matter and reads as follows:

1. A method for providing information to a driver in a motor vehicle, the method comprising the acts of:

capturing an image flow containing images of at least one part of an environment of the motor vehicle using a recording device of the motor vehicle;

reproducing a selected image section of the image flow on a display unit in an interior of the motor vehicle, wherein the selected image section is a reduced section of the image flow corresponding to an environmental section of the environment of the motor vehicle;

arranging the selected image section within a display surface of the display unit in a position corresponding to that of the environmental section relative to the motor vehicle, wherein the display surface is larger than a display area of the selected image section;

automatically modifying via a display control unit of the motor vehicle the environmental section to be displayed for the driver by shifting the selected image section within the image flow, and wherein the position in which the selected image section is arranged within the display surface is shifted such that the position of the selected image section continues to correspond to the environmental section displayed for the driver following said automatically modifying; and

during the reproducing of the selected image section, in addition to a representation of the environmental section, displaying for the driver at least first optical information that indicates a position of the currently-represented environmental section relative to the motor vehicle, wherein the first optical information comprises a symbolic representation that is distinct from and in addition to the representation of the environmental section.

REJECTIONS

Claims 1 and 5–15 stand rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Okada et al. (US 2005/0012685 A1; published Jan. 20, 2005) (“Okada”), Tanaka et al. (US 2005/0033495 A1; published Feb. 10, 2005) (“Tanaka”), and Suzuki (US 7,206,017 B1; issued Apr. 17, 2007).

Claim 4 stands rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Okada, Tanaka, Suzuki, and Schofield et al. (US 7,526,103 B2; issued Apr. 28, 2009) (“Schofield”).

ANALYSIS

In rejecting claim 1, the Examiner found that Okada teaches or suggests all of the recited limitations, except “wherein the display surface is larger than a display area of the selected image section,” for which the Examiner relied on Tanaka, and “wherein the position in which the selected image section is arranged within the display surface is shifted such that the position of the selected image section continues to correspond to the environmental section displayed for the driver following said automatically modifying” and

during the reproducing of the selected image section, in addition to a representation of the environmental section, displaying for the driver at least first optical information that indicates a position of the currently-represented environmental section relative to the motor vehicle, wherein the first optical information comprises a symbolic representation that is distinct from and in addition to the representation of the environmental section,

for which the Examiner relied on Suzuki. Final Act. 2–4.

We agree with Appellant that the Examiner has not cited sufficient support in Suzuki for the teaching of the limitation “the position in which the selected image section is arranged within the display surface is shifted such that the position of the selected image section continues to correspond to the environmental section displayed for the driver following said automatically modifying” as recited in claim 1. *See* App. Br. 9. In particular, Suzuki is directed to manually scrolling through a panoramic image when the image is larger than the available display area. *See e.g.*, Suzuki col. 3:65–67. Suzuki teaches at column 5, lines 45–50, cited by the Examiner, that “[w]hen the aspect ratio of an image to be displayed is *greater* than that of the display area 70, the image can be divided and displayed over plural times automatically.” Suzuki col. 5:45–50 (emphasis added). Even assuming Suzuki discloses automatically scrolling a panoramic image that is larger than the display area, the cited teachings of Suzuki, without more, are insufficient to teach the disputed limitation. Specifically, the identified disclosure in Suzuki, at most, teaches or suggests shifting the portion of the image section within the image flow. However, we see nothing in Suzuki that teaches or suggests the subsequent portion of the disputed limitation, which requires shifting the position within the display surface in which an image section is displayed. Thus, we agree with Appellant that the Examiner has not shown with sufficient clarity that Suzuki teaches the disputed limitation.

Accordingly, we do not sustain the 35 U.S.C. § 103(a) rejection of independent claim 1, or of dependent claims 4–15, which fall with claim 1.

Appeal 2016-006995
Application 12/725,153

DECISION

We reverse the decision of the Examiner rejecting claims 1 and 4–15.

REVERSED